

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that the claims now pending in the application are patentable under the provisions of 35 USC §§ 101, 102, 103 and 112. Thus, the Applicants believe that all of these claims are now in allowable form.

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Mr. Richard J. McGrath, Esq. at 703-621-7140 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 14-26 are pending in the present application and claims. This Amendment adds new claims 27-34. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the amendments to the claims and the remarks as set forth below.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 14, 15 and 26 under the provisions of 35 U.S.C. § 103(a), as being unpatentable over US Patent Publication 2003/0078844 (Takatori et al, hereinafter "Takatori") in view of US Patent Publication 2005/0021458 (Rowe, hereinafter "Rowe"). The Examiner rejected claims 16 and 17 under the provisions of 35 U.S.C.

§ 103(a), as being unpatentable over Takatori in view of Rowe as applied to claim 14 and further in view of U.S. Patent 6,760,417 (Wallenius, hereinafter "Wallenius"). The Examiner rejected claim 18 under the provisions of 35 U.S.C. § 103(a), as being unpatentable over Takatori in view of Rowe as applied to claim 14 and further in view of U.S. Patent 5,749,052 (Hidem et al, hereinafter "Hidem"). The Examiner rejected claims 19-25 under the provisions of 35 U.S.C. § 103(a), as being unpatentable over Takatori in view of Rowe as applied to claim 14 and further in view of U.S. Patent Publication 20030078031 (Masuda, hereinafter "Masuda").

US Patent Publication 2003/0078844 (Takatori et al)

Takatori discloses a portable terminal device which transmits a customer ID of a user and billing account information from one of several billing accounts. The customer ID identifies the user, and the portable terminal device transmits the customer ID billing account information related to the customer ID. A customer database of a control server stores information relating to the user. A billing account of the identified user is charged on the basis of the billing account information transmitted from the portable terminal device. The cost of goods or service can be charged to a desired account among the plurality of accounts.

US Patent Publication 2005/0021458 (Rowe)

Rowe discloses a system and method for an account enabled on-line device. A user establishes a financial

account with a financial account provider, and the account has associated funds. The user obtains an electronic device, such as a music player or image display device, which is configured so that one or more functions will not operate without receiving authorization from a service provider. The user provides financial account information to the service provider to pay for a service. The service provider transmits a key to the electronic device to enable operation. The user transmits financial account information to the service provider, and the information is associated with the user's device. The electronic device preferably establishes a communication link over the Internet to the service provider and transmits its device identity over the Internet.

The Cited Prior Art References Fail to Teach All the Claim Limitations

Applicants respectfully submit that the cited prior art Takatori and Rowe references fail to teach all the claim limitations of independent claims 14, 26, 27 and 31 (hereinafter the "independent claims"). The independent claims all include similar claim limitations directed to "each of the service accounts having a classification associated with a corresponding service", the "classification associated respectively with a data transportation service and a content access service", and "a predetermined part of the main account being transferable to any one of the service accounts, and said part of the main account being predetermined through use of the classification associated with said any one service account".

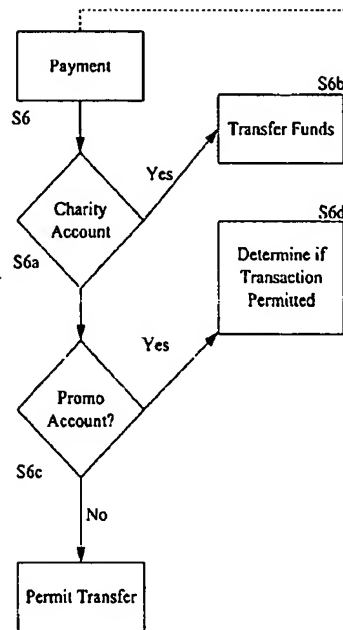
Takatori clearly fails to disclose the claimed service accounts having a classification associated with a corresponding service. Takatori also fails to disclose that the service accounts have classifications associated with each of the service accounts, and more particularly fails to disclose that one of the classifications relates to a data transportation service and another of the classifications relates to a content access service. The Office Action at page 3 acknowledges these shortcomings in Takatori, but dismisses these shortcomings as being directed to nonfunctional descriptive material. Applicants agree that Takatori fails to disclose these features, but Applicants disagree that these features relate to nonfunctional descriptive material.

MPEP § 2143.03 clearly states that, "When evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight, including limitations which do not find support in the specification as originally filed (i.e., new matter). Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983) aff'd mem. 738 F.2d 453 (Fed. Cir. 1984." Accordingly, Applicants respectfully request that the Examiner give all the claim limitations their appropriate weight and not merely dismiss them as nonfunctional descriptive material.

The Office Action further acknowledges on page 3 that Takatori fails to disclose that a predetermined portion of the main account is transferred to the service account depending upon the classifications associated with service accounts. The Office Action alleges, however, that this

missing claim limitation can be found in the Rowe reference, and that it would be obvious for one of ordinary skill in the art to incorporate this feature into the system and method of Takatori. Applicants respectfully disagree that Rowe discloses the missing claim limitation, and even if Rowe did disclose the missing claim limitation, Applicants respectfully submit that it would not be obvious for one of ordinary skill in the art to incorporate this feature into the system and method of Takatori.

The Examiner cites paragraph 0128 of Rowe as disclosing a "master account" and a number of sub or allowance accounts. More specifically, Rowe discloses in step S1 of Fig. 1 the establishing of an "Account", and payments from this "Account" are made to a plurality of sub accounts which are identified in Fig. 1(d) and which includes a "Charity Account" and "Promo Account". Arguably, the "Account" of step S1 is a main account. For the convenience of the reader, the relevant portion of Fig. 1(d) is reproduced below:



From Figs. 1 and 1(d), it can be appreciated that payments S6 are made from the "Account" of step S1 to the "Charity Account" step S6a and "Promo Account" step S6c. Rowe fails to disclose that a predetermined portion of the main account is transferred to the service account depending upon the classifications associated with service accounts. Instead Rowe teaches that payments are made to the Charity Account when the customer designates that funds are to be paid to the "Charity Account" [paragraph 0074]. When payments are made to a "Promo Account", then the account provider must verify whether the purchase is being made from an authorized party. [paragraph 0076]. When it is determined that the account is neither a "Charity Account" nor a "Promo Account", then it is determined that the account is a customer or allowance account and the payment can be made to any party [paragraph 0077]. In other words, Rowe teaches that any portion of the main account or "Account" of step S1 can be paid to any party, and Rowe is

simply interested in determining whether the payments are being made to a "Charity Account", an authorized "Promo Account" or a customer or allowance account. It is respectfully submitted that Rowe does not teach, show or suggest that a predetermined portion of the main is account is paid to service accounts depending upon the classifications associated with the service accounts.

Since both Takatori and Rowe fail to disclose "each of the service accounts having a classification associated with a corresponding service", the "classification associated respectively with a data transportation service and a content access service", and "a predetermined part of the main account being transferable to any one of the service accounts, and said part of the main account being predetermined through use of the classification associated with said any one service account". It is respectfully that the Office Action has failed establish a *prima facie* case of unpatentability since the cited prior art Takatori and Rowe references fail to disclose each and every claim limitation of the independent claims. The Examiner, therefore, is respectfully requested to find the independent claims patentable over the cited prior art.

The Combination of Takatori and Rowe

It is respectfully submitted that even if the Takatori and Rowe references are combined as suggested in the Office Action, the resulting hypothetical combination is not the Applicants' claimed invention. More specifically, if the one of ordinary skill in the art combined the

Takatori and Rowe references, the skilled artisan would merely modify the billing server 4 of Takatori with the account payment features of Fig. 1(d) of Rowe. The resulting hypothetical combination would still be missing the claim limitations of Applicants' claimed invention. Accordingly, it is respectfully submitted that the Applicants' claimed invention would not be obvious in view of the hypothetical combination of Takatori and Rowe.

Dependent Claims 15-25, 28-30 and 32-34

The Applicants believe that dependent claims 15-25, 28-30 and 32-34 are allowable over the cited prior art for at least the same reasons as the independent claims from which they depend.

New Independent Claims 27 and 31

New independent 27 and 32 include additional claim limitations directed to "prepaid voice accounts" which are not disclosed in the Takatori and Rowe references. Accordingly, it is respectfully submitted that independent claims 27 and 31 are further patentable over the cited prior art.

Conclusion

In view of the above amendments and remarks, it is believed that the claims clearly distinguish over the

Appl. No. 10/674,074
Amdt. dated May 3, 2007
Reply to Office action of Dec. 8, 2006

references relied on by the Examiner, either alone or in combination.

Respectfully submitted,

May 3, 2007



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